

REMARKS

This is a response to the final Office Action mailed October 19, 2004, with a shortened statutory response period ending on January 19, 2005. This response is filed within the statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 3-7, 9-18, 20, 22-23, 25-26, 28, 39-45, and 61-62 are pending in this application. Claim 67 has been canceled. Applicants respectfully submit that the claim recitations directed to melting point are fully supported at page 6 line 30 through page 7 line 4 of the specification as one of ordinary skill in the art would recognize that the melting point of Dow AFFINITY® PL 1880 is below 100°C. *See* PL 1880 material datasheet provided at Tab 1.

Claims 3-7, 9-18, 20, 22-23, 25-26, 28, 39-45, 61-62 and 67 were rejected under 35 U.S.C. §112 2nd paragraph as the term “attached directly” is alleged to be unclear. The claims have been amended to recite that the second exterior layer is attached directly to the first exterior layer with a tie layer. Applicants respectfully submit that these amendments do not narrow the scope of the claims or surrender any claimed subject matter. In view of the foregoing amendments and remarks, Applicants respectfully request that the §112 rejections be withdrawn.

Claims 4-7, 9-18, 20, 22-23, 25-26, 28, 39-45, 61 and 67 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,361,843 to *Smith et al. (Smith)*. Claims 4-7, 9-10, 14-18, 20, 22-23, 25-26, 28, 39-41, 61 and 67 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,610,392 to *Ramesh et al. (Ramesh)*. Claims 11-13 and 42-45 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of U.S. Patent No. 4,487,885 to *Adur et al. (Adur)*. Claims 3 and 62 were rejected under 35 U.S.C. §103(a) as being obvious over *Smith* in view of U.S. Patent No. 5,695,840 to *Mueller (Mueller)*. Claims 3 and 62 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of *Mueller*.

Smith teaches away from a first exterior layer attached directly to a second exterior layer with a tie layer as recited in the present claims. *Smith* discloses a polymeric structure having three layers: a solution contact layer (II), a core layer (I), and an outer layer (III). *Smith*, col. 2 line 65 through col. 3 line, FIG. 1. As the core layer lies between the solution contact layer (II)

and the outer layer (III), Smith teaches away from a first exterior layer attached directly to a second exterior layer with a tie layer as recited in the present claims.

Ramesh likewise teaches away from a first exterior layer attached directly to a second exterior layer with a tie layer as recited in the present claims. *Ramesh* discloses a multilayer film having at least four layers: outer layer A, inner layer B, inner layer C, and outer layer D. *Ramesh*, col. 2 lines 38-49, see also col. 21 lines 17-25. As inner layers B and C lie between outer layers A and D, *Ramesh* teaches away from a first exterior layer attached directly to a second exterior layer with a tie layer as recited in the present claims.

Adur and *Mueller* each fail to fulfill the deficiencies of *Smith* and/or *Ramesh*. *Adur* merely discloses adhesive blends and fails to teach or suggest a film having an exterior layer composed of an ethylene and α -olefin copolymer having a density of less than about 0.905 g/cc as recited in the claims. Indeed, *Mueller* further teaches away from the present claims as *Mueller* discloses a five-layered film with an inner core layer disposed between the exterior layers. *Mueller*, col. 6 lines 4-9, FIG. 1.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 3-7, 9-18, 20, 22-23, 25-26, 28, 39-45, and 61-62 are in a condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,

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